

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

DONALD RAY LILLEY, JARVIS  
JOHNSON, and DANIEL  
MALLORY, individually and on  
behalf of all others similarly situated,

Plaintiffs,

vs.

COUNTY OF ALAMEDA; BOARD  
OF SUPERVISORS OF ALAMEDA  
COUNTY; ALAMEDA COUNTY  
SOCIAL SERVICES AGENCY; and  
LORI COX, in her official capacity as  
Director of the Alameda County  
Social Services Agency,

Defendants.

Case No.: 3:15-cv-04475 JD

**CLASS ACTION**

**STIPULATED PRELIMINARY  
INJUNCTION AND ~~PROPOSED~~ ORDER**

**THE PARTIES HEREBY STIPULATE:**

1. During the pendency of this action but no later than 30 days from entry of this order, Defendants County of Alameda; Board of Supervisors of Alameda County; Alameda County Social Services Agency; and Lori Cox, in her official capacity as the Director of the Alameda County Social Services Agency (collectively “Defendants”), their successors, agents, employees, and those acting in concert therewith are enjoined to comply fully within a margin of human error with the legally mandated times for processing expedited and regular CalFresh applications. For expedited service CalFresh applications, qualified applicants must receive benefits within three (3) calendar days from the date of application pursuant to 7 U.S.C. 2020(e)(9)(A) and California Welfare and Institutions Code § 18914(b) (implementing 7 C.F.R. § 273.2(i)). For regular CalFresh applications, the deadline for determining eligibility as well as issuing benefits for approved applications is thirty (30) days from the date of application pursuant to 7 U.S.C. § 2020(e)(3) and 7 C.F.R. § 273.2(a), (g)(1), (3).

2. During the pendency of this action, Defendants are further enjoined to do the following:

- a. Beginning February 2016, Defendants shall provide this Court and Plaintiffs' counsel with a monthly report of their compliance with timely processing of all applications no later than the 10<sup>th</sup> calendar day following each month. The form of the report is attached as Exhibit A and incorporated by reference into this Order.
- b. No later than by the 20<sup>th</sup> day after any month in which Defendants are not in full compliance with the application processing time frames for regular and/or expedited service CalFresh benefits, Defendants shall implement specific corrective actions to achieve full compliance and shall provide the Court and Plaintiffs' counsel with a report on these corrective actions.
- c. Beginning January 31, 2016, Defendants shall issue a one-time written notice to all CalFresh applicants. This notice shall inform the applicants that Defendants must timely process CalFresh applications, the mandatory time frames for application processing, and provide an Agency telephone number for an individual to call to resolve any problems with the processing (see subsection d below).
- d. No later than January 31, 2016, Defendants shall publicize a telephone number whereby any individual can bring to Defendants' attention issues or problems with the processing of a CalFresh application. Defendants shall investigate the problem and take corrective action within two business days. If the problem is that an application is not being timely processed, is past the requisite timeline, and the delay is County-caused, Defendants shall make a determination on that application within two business days. Defendants shall also notify the relevant supervisor, division director and the Assistant Agency Director for the Department of Workforce and Benefits Administration of the problem. The telephone number shall be publicized on the CalFresh paper application packet,

on the CalFresh online application portal, on posters hung in CalFresh waiting rooms and distributed to agencies authorized to assist County residents with CalFresh applications, and on the CalFresh page of the Agency's website. The telephone number shall also be publicized on electronic monitors in CalFresh waiting rooms, once those monitors are functioning, a date which Defendants shall give to Plaintiffs once it is known.

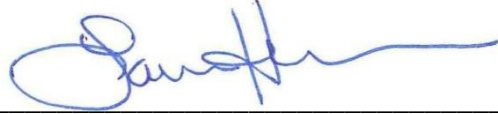
- e. No later than January 31, 2016, Defendants shall hang a poster in each CalFresh waiting room. This poster shall be in a format and with language to be agreed to by the parties that shall inform applicants of: (i) their right to apply for CalFresh benefits or to have their eligibility recertified; (ii) the 3-day and 30-day time frames for processing expedited and regular applications; and (iii) the telephone number that may be contacted in the event that eligibility has not been determined timely. The poster shall be in English, Spanish, Chinese, Vietnamese, Farsi, Cambodian, and Tagalog. Defendants will also provide posters to agencies who are authorized to assist county residents with applications for CalFresh benefits, and request those Agencies to post and maintain the poster. Defendants will provide Plaintiffs' counsel with a list of these agencies no later than January 31, 2016. The information contained in the posters shall also be included in the CalFresh paper application packet, on the CalFresh online application portal, and on electronic monitors in CalFresh waiting rooms, once those monitors are functioning.

3. The Court hereby waives the payment of any security by Plaintiffs pursuant to Rule 65(c) of the Federal Rules of Civil Procedure.

1 Dated: January 13, 2016

THE PUBLIC INTEREST LAW PROJECT  
WESTERN CENTER ON LAW & POVERTY  
PILLSBURY WINTHROP SHAW PITTMAN LLP

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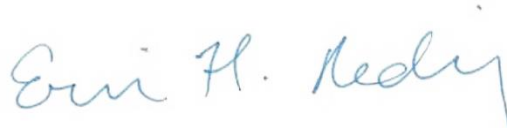
Lauren Hansen

Attorneys for Plaintiffs and the Plaintiff Class

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8 Dated: January 13, 2016

MOSCONE EMBLIDGE & OTIS LLP

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11 By



Erin Reding

Attorneys for Defendants

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13 GOOD CAUSE APPEARING, IT IS SO ORDERED.

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15 Date: January 15, 2015

  
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Honorable James Donato  
United States District Judge

# Exhibit A

**ALAMEDA COUNTY MONTHLY REGULAR SERVICE TIMELINESS**  
**(Source: DFA 296 data)**

Report Month	Applications received during the month	Total Applications Denied	Total Applications (Approved and Denied)	Total Applications Approved and Denied in over 30 days (CWD caused)	Percentage Applications Approved and Denied in over 30 days (CWD caused)
Jan-15	4,367	[fill in]	3,385	626	18.49%
Feb-15	3,972		3,134	603	19.24%
Mar-15	4,349		3,944	823	20.87%
Apr-15	4,205		3,788	697	18.40%
May-15	3,930		3,806	884	23.23%
Jun-15	4,269		4,310	988	22.92%
Jul-15	4,282		4,722	1,171	24.80%
Aug-15	4,148		3,426	487	14.21%
Sep-15	3,988		3,841	616	16.04%
Oct-15	1,776		4,067	769	18.91%
Nov-15	2,956		3,013	415	13.77%
Dec-15					
Jan-16					
Feb-16					
Mar-16					
Apr-16					

**ALAMEDA COUNTY MONTHLY EXPEDITED SERVICE TIMELINESS**  
**(Source: DFA 296x and monthly) equivalent)**

Report Month	Total Applications Processed under ES	Total Found Entitled to ES	Percentage Found Entitled to ES	Total ES Benefits issued in more than 3 days (County Caused)	Percentage ES Benefits issued in more than 3 days (County Caused)
2015 1Q	11,722	4,470	38.13%	653	14.61%
2015 2Q	10,999	4,472	40.66%	467	10.44%
2015 3Q	11,441	4,439	38.80%	513	11.56%
Oct-15	-	-		-	
Nov-15	-	-		-	
Dec-15	-	-		-	
Jan-16	-	-		-	
Feb-16	-	-		-	
Mar-16	-	-		-	
Apr-16	-	-		-	

NUMBER OF APPLICATIONS PENDING OVER 30 DAYS (Source: CalWIN Tables)		
Report Month	Total Number of Applications Pending Over 30 Days	Inter-County Transfers Excluded from Total Number of Applications Pending Over 30 Days
Oct-15		
Nov-15		
Dec-15		
Jan-16		
Feb-16		
Mar-16		
Apr-16		

### **Timeliness reports definitions**

#### **Regular Service definitions**

“Applications received during the month” has the same meaning as on DFA 296, Column 4.

“Total Applications Denied” means the sum of “PACF Applications denied” and “NACF Applications denied” as reported in DFA 296, Columns 10 and 11.

“Total Applications Decided” means the sum of “Applications approved,” “PACF Applications denied,” and “NACF Applications denied” as reported in DFA 296 Columns 7, 10 and 11.

“Total Late Decision Percentage” means “Total Late Decisions,” divided by “Total Applications Decided” and shown as a percentage.

#### **Expedited Service definitions**

“Total Applications Processed under ES” means applications processed under expedited service received during the month, which would be the monthly component of “Applications processed under ES during the report quarter” in the DFA 296x, Column 4.

“Total Found Entitled to ES” means the monthly equivalent of “Found entitled to ES (Sum of items 4a1, 4a2 and 4a3)” in the DFA 296x, Column 11.

“Percentage Found Entitled to ES” means “Total Found Entitled,” divided by “Total Applications Processed under ES” and shown as a percentage.

“Total ES Benefits issued in more than 3 days (County Caused)” means the sum of the monthly equivalent of “Total Benefits issued in 4-7 days county caused delay” and “Total Benefits issued in over 7 days county caused delay” in the DFA 296x, Columns 23 and 32.

“Percentage ES Benefits issued in more than 3 days (County Caused)” means “Total ES Benefits issued in more than 3 days (County Caused)” divided by “Total Found Entitled to ES” and shown as a percentage.

#### **Pending applications definitions**

“Total Number of Applications pending over 30 days” is the number of applications that the Alameda County Social Services Agency has not acted on timely, and for which no decision has been made as of the last day of the Report Month. This number is extracted from the CalWIN data tables, and not the DFA 296 report. It tracks the total number of applications that have not been acted upon within 30 days of the date of application at the end of any given month, and therefore will be cumulative of applications received in previous months.

“Inter-County Transfers Excluded from Total Number of Applications Pending over 30 Days” is the number of persons who have been excluded from the pending backlog because they transferred from another county to Alameda County. This number is extracted from the CalWIN data tables, and not the DFA 296 report. Alameda County represents that the California Department of Social Services requires that, when counties complete the DFA 296 report, they exclude the number of inter-county transfers from the total number of pending applications.